

# HIGH COURT OF SINDH CIRCUIT COURT, MIRPURKHAS

**C.P No.D-1762 of 2024**

[Muhammad Muqem vs. Province of Sindh and Others]

Before:

**JUSTICE ADNAN-UL-KARIM MEMON**  
**JUSTICE RIAZAT ALI SAHAR**

Petitioner in Person

Mr. Bhooro Bheel, advocate for respondent(s)

Mr. Muhammad Sharif Solangi, Assistant A.G. Sindh

Date of hearing & decision: 19.11.2025

**ADNAN-UL-KARIM MEMON J.-** The Petitioner has prayed as under:-

- i. Direct respondents to immediately provide filtered/clean drinking water to Pithoro Town.
- ii. Direct the respondents to sanction a new water supply scheme for Pithoro Town.
- iii. Direct respondents to repair the damaged drinking water pipelines until the new scheme is approved.

2. The petitioner, present in person, submits that continuous non-availability of clean and safe drinking water in Pithoro Town amounts to violation of fundamental rights guaranteed under Articles 9, 14, and 38 of the Constitution. The right to life includes the right to live with dignity, which is impossible without access to clean drinking water. The petitioner states that the water supply scheme sanctioned in 1983 has completely exhausted its utility. Its deterioration has led to sewerage water mixing with drinking water, causing widespread illness among the residents. Despite repeated complaints, the respondents have neither repaired nor replaced the damaged pipelines. It is further submitted that the respondents, being public functionaries are legally bound to act fairly and transparently, yet they have failed to provide even the most basic amenity of clean water. Their conduct reflects negligence, disregard for statutory duties and violation of the principles of good governance. The petitioner explains that he has approached all concerned including the Ombudsman but no effective action has been taken. He also submits that political influence and external

pressure appear to be obstructing the provision of basic facilities to Pithoro Town, which amounts to discrimination. The petitioner submits that the non-provision of clean drinking water has caused immense hardship to the inhabitants. The existing system has become obsolete and hazardous, making a new scheme and immediate repair of the pipelines indispensable. Since no adequate alternative remedy is available, the petitioner has rightly invoked the constitutional jurisdiction of this Honourable Court under Article 199. He therefore prays that the respondents be directed to provide clean filtered water, sanction a new water supply scheme and repair the damaged pipelines without delay.

3. Learned A.A.G submits that on 05.05.2025, the site was inspected in the presence of petitioner and officials. It was observed that an old 6-inch pipeline installed in 1982 runs in the petitioner's main street, while a new 3-inch pipeline is being laid in the adjacent street but is not yet functional. The installation quality was found to be poor; the pipeline was laid at insufficient depths of 8 to 18 inches instead of the required 3 feet. Streets were left unrestored, portions of the pipeline were uncovered, several areas were exposed to damage from heavy vehicles and some sections crossed through sewerage drains, creating a serious risk of contamination. The old 6-inch pipeline is severely damaged and connecting new lines to it will continue to contaminate the water. He argued that PHED was advised to reassess the feasibility, repair or replace the old pipeline and ensure proper installation of new lines. It is further noted that Shadi Pali water distribution extension scheme is under PHED, where 70% of the awarded work has been completed, with the remaining expected to finish by June 2025. The full scheme is projected to be completed by June 2026 subject to timely release of funds.

4. In light of the above, it stands established that the respondents have failed to fulfill their constitutional and statutory responsibilities to provide safe and clean drinking water to the residents of Pithoro Town. The prolonged deterioration of the water supply system, the mixing of sewerage water with drinking water, and the respondents' inaction despite repeated complaints pose a serious threat to public health and violates the fundamental rights guaranteed under Articles 9, 14 & 38 of the Constitution, which clearly call for judicial protection of the right to life, dignity and health of the affected population.

5. Accordingly, in the interest of justice, equity, and good governance, this court directs the respondents to immediately ensure the provision of clean drinking water to Pithoro Town, to approve and execute a new water supply scheme and to repair or replace the damaged pipelines without any further delay.

6. This petition stands disposed of in the above terms.

JUDGE

JUDGE

Karar\_Hussain/PS\*